

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF JANUARY 4, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of January 4, 2005 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

ELECTION OF OFFICERS

(TAPE 1)(SIDE A)(031) AGENDA ITEM NO. 3: Election of Chair and Vice Chair in accordance with Section 4-07 of the Lafayette City-Parish Consolidated Government Home Rule Charter and Resolution No. R-011-2001.

Chair Menard called for nominations for the Chair. A motion was offered by Mouton, seconded by Stevenson to reappoint Randy Menard. There being no further nominations, the vote was called:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams

ABSENT: None

ABSTAIN: None

Motion was approved to reappoint Menard as Chair.

Menard thanked the Council for reappointing him Chair.

Chair Menard then called for nominations for Vice-Chair. Councilmember Bourgeois nominated Rob Stevenson. Councilmember Benjamin nominated Williams. The Chair then called for the vote as follows:

STEVENSON: 2, 5, 6, 7, 8, 9, 1

WILLIAMS: 3, 4

Motion was approved to reappoint Stevenson as Vice-Chair.

Stevenson then presented Chair Menard with a plaque of appreciation for his service as Chair for 2004.

(TAPE 1)(SIDE A)(071) AGENDA ITEM NO. 4: **EXECUTIVE/PRESIDENT’S REPORT**

CAO Dee Stanley made the following comments:

- Stated that President Durel was out-of-town on business.
- Congratulated the Chair and Vice Chair on their respective appointments.
- Introduced Boyd Boswell and Maury Prudhomme, from the Environmental Quality Division, with a presentation on the Prom Dress Recycling Program.

(TAPE 1)(SIDE A)(109) AGENDA ITEM NO. 5: COUNCIL ANNOUNCEMENTS

No announcements were made.

RESOLUTIONS

(TAPE 1)(SIDE A)(111) AGENDA ITEM NO. 6: R-001-2005 A resolution of the Lafayette City-Parish Council commending all organizations of the area planning celebrations in recognition of the Martin Luther King, Jr. Holiday, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Gerald Boudreaux, Chairman of the Martin Luther King, Jr. Day celebrations, outlined the events taking place for the 20th celebration. The highlight of the event will be guest speaker Dr. Marcellus Barksdale, Professor of History, from Atlanta, Georgia.

(TAPE 1)(SIDE A)(154) AGENDA ITEM NO. 7: R-002-2005 A resolution of the Lafayette City-Parish Council establishing its intent relating to any reductions of allocated positions within the Police Department, motion to adopt by Conque, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard

NAYS: Broussard

ABSENT: None

ABSTAIN: None

Motion was approved.

Mouton explained that this resolution was being offered to insure that police department staffing numbers do not fall below the percentage levels they are now in order to continue to give the citizens the highest level of service.

Cory Hebert, representative of the Police Association, explained that this resolution is due to the reduction of manpower in the Police Department in New Iberia. In order to ease the morale of the Policemen, the officers are urging support of this resolution with the intent that the Police Department and the Sheriff's Department will not be consolidated in the future.

Broussard opined that a resolution is just a suggestion or intent. It is not the law. In lean years, the Council will have to do what is necessary and this resolution can not prevent it. He could not support this resolution. Mouton argued this is a way to demonstrate to the officers that the Council will do what they can to protect them.

Stanley offered that at a meeting with the Police Officers, the Administration explained that a resolution does not hold the value of an ordinance and that there were no plans for any reductions. However, if there would come a time when reductions were necessary, the Administration would do what it had to do. Not being comfortable in speaking for the Council's intent, Stanley suggested that they discuss this issue with the Public Safety Liaison and the Administration would not oppose bringing the issue before the Council.

The following individual was recognized:

Patrick Brasseaux made reference to a final report by Jim Brooks, Law Enforcement Association of Macon, GA, dated July 18, 1996. At that time, the report recommended 42 new officers. Today, the department is still 12 short. He urged support of the resolution.

(TAPE 1)(SIDE A)(482) AGENDA ITEM NO. 8: R-003-2005 A resolution of the Lafayette City-Parish Council appointing Chief Deputy Charlene Meaux of the Lafayette Parish Registrar

of Voters Office to the position of Lafayette Parish Registrar, motion to adopt by Benjamin, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

The Council, individually, congratulated Ms. Meaux on her appointment and then commended and thanked Steve Bernard for his many years of service as Registrar.

Ms. Meaux then thanked the Council for their support and offered an open-door policy. She also thanked Steve Bernard, former Registrar and then introduced her family, friends and the staff of the Registrar of Voter's Office in attendance.

(TAPE 1)(SIDE B)(037) AGENDA ITEM NO. 9: R-004-2005 A resolution of the Lafayette City-Parish Council initiating installation of Tanglewood Terrace Subdivision Traffic Calming Proposal, motion to adopt by Conque, seconded by Badeaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Stevenson, Menard

NAYS: None

ABSENT: Broussard, Mouton

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Benjamin, Ottinger explained it would not be possible to impose a maintenance obligation, to the residents of an area with diverters, by resolution, maybe an ordinance.

(TAPE 1)(SIDE B)(076) AGENDA ITEM NO. 10: R-005-2005 A resolution of the Lafayette City-Parish Council approving the submittal of an application for grant funds from the Louisiana Governor's Office of Community Programs, Recreational Trails Grants Section for Simcoe Street Park Project, motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Williams thanked the Administration for their support and requested that Carroll monitor this process so that it could be integrated with the Simcoe Street Corridor (Pinhook to University).

EXECUTIVE SESSION

(TAPE 1)(SIDE B)(094) AGENDA ITEM NO. 11: A request has been made by the City-Parish Attorney for an executive session to discuss:

Larry M. Bailey, et al vs. City of Lafayette

Docket No. 99-1343-D CONSOLIDATED WITH

William James Picard, et al vs. City of Lafayette, et al

Docket No. 99-1688-A CONSOLIDATED WITH

Michael J. Rose, et al vs. Lafayette Consolidated Government, et al

Docket No. 99-1543 CONSOLIDATED WITH

Philip Vaughn Burris, et al vs. City of Lafayette, et al

Docket No. 2000-5288 CONSOLIDATED WITH

Nugier Perrodin, et al vs. Lafayette Parish Consolidated Government, et al

Docket No. 2000-0526-A

Risk Management Claim No. EO 991594901

A motion was offered by Benjamin, seconded by Bourgeois, to go into executive session, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None
ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(138) A motion was offered by Broussard, seconded by Stevenson, to return to regular session, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE B)(140) AGENDA ITEM NO. 12: O-288-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an intergovernmental agreement transferring one (1) surplus bus from the Lafayette City-Parish Consolidated Government to the Lafayette Parish Sheriff's Office (Transit Bus), motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(153) AGENDA ITEM NO. 13: O-292-2004 An ordinance of the Lafayette City-Parish Council approving the appointment of Gary J. Newell of Thompson Coburn LLP as special counsel, and authorizing the execution of a contract with special counsel, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(164) AGENDA ITEM NO. 14: O-293-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$87,176 from various completed projects to Reserve – Project Contingencies – Streets, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(173) AGENDA ITEM NO. 15: O-294-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$20,000 from Reserve to Pinhook Road (DOTD Streetlight Relocation) Project within the Department of Public Works for additional funding needed, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(183) AGENDA ITEM NO. 16: O-295-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$200,000 from Reserve – Streets to the Roads – New Construction - Phase I-A Project within the Department of Public Works for additional funding needed, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Broussard, Carroll explained that \$200,000 was being transferred for Dupre, Irby and Deerpark. Those roads came in over appropriation.

(TAPE 1)(SIDE B)(221) AGENDA ITEM NO. 17: O-296-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$84,578 from Stone Avenue Outfall and W. Farrell Road Outfall Improvement Projects to Reserve – Drainage, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Pat Logan, Associate Public Works Director, Capital Improvements & Development, explained this is the last phase of Stone Avenue. The funds being moved are left over from the engineering phase of this project for construction. Williams requested an update on which projects have been funded. Logan answered that that has already been prepared and he will send a copy to the Council. Williams then asked if the Administration is planning to get additional funds to fund projects that have been engineered but doesn't have funds for construction. Stanley stated that it was still under review. There is a catastrophic shortfall in funding projects that this government has already identified due to costs in material and inflation components. An additional revenue source and authority will be needed. Williams requested that the Administration determine what the options are and give an update in the next couple of months.

(TAPE 1)(SIDE B)(392) AGENDA ITEM NO. 18: O-297-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to recognize credit counselor fees in the amount of \$1,576.00 from LPFA Housing Assistance Corporation/Vision Financial Services and assigning the funds received to the proper budgetary accounts within the Department of Community Development, motion to adopt by Mouton, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(406) AGENDA ITEM NO. 19: O-298-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the transfer of funds within the Community Development Department from Personnel Salaries to the Contingency – Reserve account in order to close out completed CDBG Projects, motion to adopt by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(419) AGENDA ITEM NO. 20: O-299-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase of revenues in the amount of \$130,917 from Emergency Shelter Grant Funds received from the U.S. Department of Housing and Urban Development and appropriating within the Department of Community Development, motion to adopt by Stevenson, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(433) AGENDA ITEM NO. 21: O-302-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a sewer easement and the granting of an electric and utility easement on Lot 13 of L'Ambiance Villa, having a municipal address of 140 L'Ambiance Circle, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(447) AGENDA ITEM NO. 22: Appointment of _____ to the Board of Zoning Adjustment for a five year term effective January 5, 2005. (must reside within the corporate limits of the City of Lafayette). *Item was deferred to February 1, 2005.*

INTRODUCTORY ORDINANCES - ZONING

(TAPE 1)(SIDE B)(453) AGENDA ITEM NO. 23 - 39: A motion was offered by Mouton, seconded by Stevenson, to approve the introduction of the following ordinances, in-globo, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

23. O-001-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, Case No, Z2004-024 (TC) Text Change for Multi-Tenant Signs in Integrated Centers, to provide regulations for the construction of signs for integrated business centers.
24. O-002-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the properties of TBM Contractors, Inc. and Merlin J. Leger, Case No. Z2004-028 Brent Mosing Crestlawn Drive Property Rezoning, located generally north of Crestlawn Drive and east of Johnston Street, from GAD (Growth Area District) to R-2 (Multi-Family Residential).
25. O-003-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of James Louis Clause, Case No. Z2004-032 James L. Clause Moss Street Property Rezoning, located at the southeast corner of the intersection of Moss Street and Acorn Drive, from R-1-A (Single-Family Residential) to B-T (Transitional Business).
26. O-004-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Jeremy Arceneaux, Case No. Z2004-033 Jeremy Arceneaux Timothy Drive Property Rezoning, located generally south of Timothy Drive and located between Empire and Fountainbleu Drives, from R-1-B (Single-Family Residential) to R-1-C (Single and Two-Family Residential).

INTRODUCTORY ORDINANCES

27. O-005-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government, eliminating one

position of Hearing Officer in the Family Court Division of the 15th Judicial District Court.

28. O-006-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute an intergovernmental agreement with the Lafayette Office of the District Attorney to provide educational classes to participants referred by the Zoned Area Intervention Program and amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$10,200.00 for annual projected program collections appropriating same within the Office of Criminal Justice Support Services.
29. O-007-2005 An ordinance of the Lafayette City-Parish Council amending Ordinance No. O-203-2004 to change the Act of Deposit on behalf of the Lafayette Police Department K9 Bear from Salvatore Angilletta to Norbert Myers.
30. O-008-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$45,862.00 received from the U.S. Department of Justice Local Law Enforcement Block Grant (LLEBG) Program for the purpose of reducing crime and improving public safety and authorizing the transfer of cash match funds in the amount of \$5,096.00 from the Lafayette Police Department Reserve LCLE Funding and Grant Match account and appropriating the revenues and match within the Lafayette City Police Department.
31. O-009-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$14,666.00 received from the United States Department of Justice, Drug Enforcement Administration as reimbursement to the Lafayette Police Department for overtime payments made to one Lafayette Police Department officer assigned to the Lafayette Post of Duty Task Force.
32. O-010-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase of revenues in the amount of \$13,000.00 received from the U.S. Immigration and Customs Enforcement and appropriating within the Lafayette Police Department Criminal Investigation Division.
33. O-011-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$49,474.00 received from the U.S. Department of Justice Office of Community Policing Services Program for the purpose of reducing crime and improving public safety and appropriating the revenues within the Lafayette Police Department.
34. O-012-2005 An ordinance of the Lafayette City-Parish Council providing for the acceptance for perpetual maintenance of approximately 215 feet of a private road known as Exodus Road located south of the 200 Block of Espasie Road in Council District 9.
35. O-013-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$32,000 from Reserve – Project Contingencies – Streets to Johnston/S. College Turn Lanes Project within the Department of Public Works for additional funding needed.
36. O-014-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by establishing a revenue account for the sale of compost, proceeds of which are to be dedicated to future capital needs of the Compost Section of the Environmental Fund within the Department of Public Works.
37. O-015-2005 An ordinance of the Lafayette City-Parish Council authorizing and approving an intergovernmental agreement by and between the Lafayette City-Parish Consolidated Government and the Lafayette Public Trust Finance Authority to obtain \$850,000 for the completion of the construction of the Multimodal Transportation Facility and amending the FY 04/05 operating budget of the City of Lafayette to reflect additional revenue and expenditures associated therewith.

38. O-016-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase of revenues in the amount of \$20,000 from Housing Counseling Service Grant Funds received from the U.S. Department of Housing and Urban Development and appropriating within the Department of Community Development.
39. O-017-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of the right of passage and utility easement on the property of Amy Boudreaux Fisher and within Phase I of Amy Boudreaux Fisher Estates, which is located in the 400 block of Louisiana Highway 726.

(TAPE 1)(SIDE B)(597) AGENDA ITEM NO. 40: Comments from the public concerning the above Introductory Ordinances.

No comments.

ADJOURN

(TAPE 1)(SIDE B)(605) There being no further business to come before the Council, Chair Menard declared the Regular Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL